

## AMENDING ACT ENTITLED "AN ACT TO PROMOTE THE MINING OF COAL, PHOSPHATE, OIL, OIL SHALE, GAS, AND SODIUM ON THE PUBLIC DOMAIN," AS AMENDED

DECEMBER 8 (legislative day, DECEMBER 7), 1943.—Ordered to be printed

Mr. O'MAHONEY, from the Committee on Public Lands and Surveys, submitted the following

### REPORT

[To accompany S. 1335]

The Committee on Public Lands and Surveys, to whom was referred the bill (S. 1335) to amend the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," as amended, having considered the same report favorably thereon with amendments and with the recommendation that the bill, as amended, do pass.

Strike out all after the enacting clause and insert the following:

That the fourth and fifth provisos of section 2 of the Act entitled "An Act To promote the mining of coal, phosphate, oil, oil shale, gas and sodium on the public domain," approved February 25, 1920 (41 Stat. 437, 438; 30 U. S. C., secs. 201, 202), are hereby amended to read as follows:

"*And provided further*, That no company or corporation operating a common carrier railroad shall be given or hold a permit or lease under the provisions of this Act for any coal deposits except for its own use for railroad purposes; and such limitations of use shall be expressed in all permits and leases issued to such companies or corporations; and no such company or corporation shall receive or hold under permit or lease more than 10,240 acres in the aggregate nor more than one permit or lease for each 200 miles of its railroad lines served or to be served from such coal deposits exclusive of spurs or switches and exclusive of branch lines built to connect the leased coal with the railroad, and also exclusive of parts of the railroad operated mainly by power produced otherwise than by steam: *And provided further*, That nothing in this section shall preclude such a railroad of less than 200 miles in length from securing one permit or lease thereunder but no railroad shall hold a permit or lease for lands in any State in which it does not operate main or branch lines."

Amend the title so as to read:

A bill to amend the fourth and fifth provisos of section 2 of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920 (41 Stat. 437, 438; 30 U. S. C. secs. 201, 202).

Under the provisions of section 2 of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437, 438; 30 U. S. C., secs. 201, 202), no company or corporation operating a common carrier railroad may receive or hold more than one coal permit or lease for each 200 miles of railroad line within the State in which the permit or lease is situated. The purpose of the bill is to modify this limitation and to permit such companies to hold a total of not to exceed 10,240 acres in the aggregate.

The need of coal for railroad transportation is particularly acute at the present time and the proposed modification of the limitation was suggested in the belief that it would facilitate the operation of railroads which carry coal deposits.

The bill has been amended by the committee in accordance with the recommendations of the Secretary of the Interior whose report is hereinbelow set forth in full and made a part of this report.

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THE SECRETARY OF THE INTERIOR,  
Washington 25, D. C., November 2, 1943.

HON. CARL A. HATCH,  
*Chairman, Committee on Public Lands and Surveys,  
United States Senate.*

MY DEAR SENATOR HATCH: Further reference is made to your letter of July 13, requesting a report on S. 1335, a bill "To amend the act entitled 'An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain', as amended."

The purpose of the bill is to remove the limitation as to the maximum number of coal leases or permits which may be held by a company or corporation operating a common carrier railroad in any State, and to limit the total area that such companies or corporations may lease in all States to 10,240 acres. This proposal in placing the limitation on acreage rather than on the number of leases conforms with the amendment to section 27 of the mineral leasing act of February 25, 1920 (41 Stat. 437), made by the act of April 30, 1926 (44 Stat. 373), which effected a corresponding change as to mineral leases other than those held by railroad companies under the coal provisions of the act. Furthermore, the proposed amendment would afford the railroad companies a better opportunity to obtain coal deposits suited to their particular needs.

To accomplish the objective, it is unnecessary to amend in its entirety section 2 of the act of February 25, 1920 (30 U. S. C. secs. 201, 202). It may be achieved merely by amending the fourth and fifth provisos of the section. The context of the bill differs in some respects from the language of section 2 so far as it relates to the other provisions of the section, but a revision of these other provisions is unnecessary, and the bill, accordingly, should be confined to an amendment of the fourth and fifth provisos. The bill also contains a provision relative to extensions of coal permits. Such a provision should have been omitted since the act of March 9, 1928 (45 Stat. 251, 30 U. S. C. sec. 201a), authorizes the Secretary of the Interior to grant an extension of time for a period of 2 years on any coal permit issued under section 2 of the act of February 25, 1920, *supra*.

I shall interpose no objection to the enactment of legislation to amend the fourth and fifth provisos of the section in question for the purpose specified herein. A draft of such legislation is transmitted herewith and it is recommended that its provisions be substituted for the present title and text of S. 1335.

The Bureau of the Budget has informed me that there is no objection to the presentation of this report or to the proposed legislation to amend the fourth and fifth provisos of section 2 of the act of February 25, 1920, *supra*.

Sincerely yours,

HAROLD L. ICKES,  
*Secretary of the Interior.*